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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,794	07/23/2003	Keiji Shirato	450100-04667	9014

7590 08/14/2006
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER

TRA, ANH QUAN

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,794

Applicant(s)

SHIRATO, KEIJI

Examiner

Quan Tra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanikawa et al. (US 20020048193) in view of Kuriyama (USP 6373325).

Taniyawa's figure 8A shows a circuit having charge pump circuit CP1, figure 8A fails to show the detail of circuit CP1. However, Kuriyama's figure 6 shows charge pump circuit 1 having low power consumption. Therefore, it would have been obvious to one having ordinary skill in the art to use Kuriyama's charge pump circuit 1 for Taniyawa's circuit CP1 for the purpose of saving power consumption. Thus, the modified Taniyawa's figure 8A shows a circuit comprising: an operated circuit section (12 and 34 in figure 9) operated according to a voltage (VDD) supplied by an electric power source; a control-voltage-supplying circuit section (CP1, CMP1) for deriving a voltage (VCCX) higher than the voltage supplied by the electric power source from the operated circuit section to rectify the derived voltage and output the resultant voltage as an operating voltage; and a control circuit section (CMP2, FF1) operated according to the operating voltage for controlling the operation of the operated circuit section and stopping the operation of the operated circuit section when the operating voltage is decreased to a given reset voltage or below (stop the writing operation, paragraphs 0109 and 0110).

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As to claim 2, the modified Taniyawa's figure 8A shows the control-voltage-supplying circuit section is provided with a limiter circuit (RR1, CMP1) for restricting the operating voltage of the control circuit section so as not to increase excessively above a given voltage.

As to claim 3, the modified Taniyawa's figure 8A shows that the electric power source is an electric power source such that a supply voltage thereof fluctuates (inherent, at least the noise generated by VDD fluctuates).

As to claim 4, Taniyawa's fails to teach that VDD is generated by battery. However, it is notoriously well known in the art that battery is a portable power source. Therefore, it would have been obvious to one having ordinary skill in the art to use battery for generating VDD in order to take the portable advantage.

As to claim 5, the modified Taniyawa's figure 8 shows that the operated circuit section is a circuit section for carrying out the operation of outputting an infrared modulating signal, and the control circuit section is a circuit section for carrying out the control of causing the operated circuit section to output a signal in response to an operational input as the infrared modulating signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan Tra whose telephone number is 571-272-1755. The examiner can normally be reached on 8:00 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Quan Tra', with a stylized, flowing script.

QUAN TRA
PRIMARY EXAMINER
ART UNIT 2816

August 4, 2006